

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Ricardo Gordon

**CV 17-970**

**CIVIL RIGHTS COMPLAINT**  
42 U.S.C. § 1983

Plaintiff,

[Insert full name of plaintiff/prisoner]

JURY DEMAND

YES ☒ NO ☐

-against-

New York City

John doe 1 officer 83 present

John doe 2 officer 83 present

ADA John doe

Defendant(s).

[Insert full name(s) of defendant(s). If you need additional space, please write "see attached" and insert a separate page with the full names of the additional defendants. The names listed above must be identical to those listed in Part I]

**FILED**  
IN CLERK'S OFFICE  
U S DISTRICT COURT E.D.N.Y.  
★ FEB 16 2017 ★

BROOKLYN OFFICE  
**DONNELLY, J.**

**MANN, M.J.**

- I. **Parties:** (In item A. below, place your name in the first blank and provide your present address and telephone number. Do the same for additional plaintiffs, if any.)

A. **Name of plaintiff**

Ricardo G Gordon

If you are incarcerated, provide the name of the facility and address:

Rikers Island OBCC 1600 Hazen Street

East Elmhurst NY 11370

Prisoner ID Number: 141-15-11489

If you are not incarcerated, provide your current address:

[REDACTED]

Telephone Number: [REDACTED]

**B. List all defendants.** You must provide the full names of each defendant and the addresses at which each defendant may be served. The defendants listed here must match the defendants named in the caption on page 1.

Defendant No. 1

City of New York  
Full Name

Job Title

Address

Defendant No. 2

John Doe 1 officer  
Full Name

of the 83<sup>rd</sup> pct  
Job Title

Address

Defendant No. 3

John Doe 2 officer  
Full Name

of the 64<sup>th</sup> pct  
Job Title

Defendant No. 4

ADA of Kings County

Facts: (what happened?)

See (attachment)

**II.A. Injuries.** If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

Pain, severe suffering, illegal detention, negligence that caused severe emotional/mental anguish, loss of earnings, Shame, humiliation of Strip Search's, Carity George's, injury to reputation, physical pain and suffering, punitive damages, falsely incarcerated and prosecuted causing pain and suffering

III. **Relief:** State what relief you are seeking if you prevail on your complaint.

Plaintiff is requesting relief of monetary compensation in the amount of five million dollars (\$5,000,000), and basis for such amount is for the pain and suffering of being wrongfully incarcerated, negligence that caused severe emotional mental anguish, loss of earnings, shame, humiliation, due to strip search, cavity searches, illegal detention and malicious prosecution.

I declare under penalty of perjury that on \_\_\_\_\_, I delivered this complaint to prison authorities at O.B.C.C. Rikers Island <sup>(date)</sup> to be mailed to the United States District Court for the Eastern District of New York. <sub>(name of prison)</sub>

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 2-10-2017

Racaron Jorston  
Signature of Plaintiff

Rikers Island O.B.C.C.  
Name of Prison Facility or Address if not incarcerated

1600 Hazen Street  
East Elmhurst NY 11370

Address

141-15-11489 NYID#  
Prisoner ID#

Ricardo G. Gordon  
B+C# 141-15-11489  
NYID# [REDACTED]  
16-00 Hazen Street  
East Elmhurst NY 11370  
Rikers Island

- 1) Plaintiff Ricardo Gordon brings fourth this § 1983 claim against the City of New York, the officers involved directly in the arrest, and the prosecution for malicious prosecution.
- 2) On or about the date of October, 2014 the plaintiff was walking on the street of brooklyn innocently, not involved in any Criminal activity when he was suddenly harassed by officers from approximate the 84 precinct.
- 3) Plaintiff was arrested and detained absent any probable cause.
- 4) Officers stated that they was looking for a perp that was reported to be involved in Criminal activity, but committed false imprisonment and violated plaintiffs due process.
- 5) Arresting officer's failed to take any steps to identify arrestee as the wanted fugitive in the so called incident.

- a) The officers was deliberate indifference toward arrestee's due process rights, where the arresting officer did not check Identification, physical description, height, weight, hair color, male or female, anything to corroborate the so called information to the complaint.
- b) Officers grabbed me and threw me on the floor where they hand-cuffed me tightly hurting my wrist, and tossing me around in an attempt to acquire information I didn't have.
- c) The officer's committed an improper act after they arrested the plaintiff by using unreasonable force to illegally seize.
- d) Plaintiff's false imprisonment by NYC officers amounts to "actual deprivation of Constitutional rights or other rights guaranteed by law see (Dowsey v Wilkins (1972, CA5 Ala.) 467 F.2d 1022.)
- e) The officer had no good faith and any reasonable belief concerning legality of both detention and verification procedure used to identify plaintiff.
- f) Officers acted with deliberate and reckless intent to falsely imprison plaintiff because they attempted to solve a report absent any proof, or description of perp yet falsely arrested plaintiff.



- 12) Plaintiff was arrested on or about the date of October, 02, 2014 till August, 12, 2015, for the charges of Burglary 2nd Degree; PL 140.25 (2) Burglary 3rd Degree; PL 140.20 Petit Larceny cPL 155.25 Criminal Possession Stolen Property - 5th Degree cPL 165.40 - Criminal Trespass 2nd - CPL 140.15.
- 13) Plaintiff was Acquitted by jury on August 12, 2015 and had Complete Dismissal on August 14, 2015.
- 14) There was no probable cause for arrest and a Warrantless Arrest had occurred because of the negligent Reckless actions of the officers.
- 15) Negligence in furnishing information leading to the arrest was actionable on negligence principles and actual damages were required see Braman V. U-Haul, inc., 945 S.W.2d 676.
- 16) A clear showing of wantonness is within the records of the proceedings against the plaintiff.
- 17) There was also malicious prosecution based on a judicial proceeding begun by the issuance of a process, but commercial and prosecuted maliciously and without probable cause when so called witness failed to point out plaintiff see Martinez v.

City of Schenectady 97 NY2d 78) and  
(Smith-Hunter v. Harvey 95 NY2d 191).

8) The State of New York and or the City of New York may be liable for the false imprisonment if it fails to prove any legal justification for a claimant's arrest see (Dabbs v State 88 A.D.2d 1093 3d Dept).

19) The continual imprisonment of the plaintiff after there has been ample opportunity to determine the invalidity of the legal process involved (Harty v State 29 AD2d 243).

20) The measure of damages for false imprisonment is that amount which will justly and reasonably compensate the plaintiff for the loss resulting from the injuries caused by the defendant's wrongful acts see (Kehli v. City of Utica, 105 AD2d 1085) and see (Scholl v City of Utica 163 AD2d 909).

21) The elements of damages include mental anguish, shame and humiliation, injury to reputation, physical suffering, loss of earnings, injury to or loss of property and legal expenses in defending the prior actions, where the damages were proximately caused by the defendants illegal acts see (Nastasi v State 300 NY 473).

22) While the motives of the person (4)



imprisoning the plaintiff are not material to the cause of action, the existence of malice is relevant to the award of punitive damages see (Gill v Montgomery Ward & CO. 284 AD 36, 129 NYS2d 288).

23) Plaintiff is requesting relief of monetary compensation in the amount of five million dollars (\$5,000,000), and basis for such amount is for the pain and suffering of being wrongfully incarcerated negligence that cause severe emotional mental anguish, loss of earnings, shame, humiliation due to strip searches, cavity searches, illegal detention and malicious prosecution, lack of any probable cause for arrest.

24) All issues are subject to be amended when discoveries recovered strengthen arguments laid down in plaintiffs case.

25) Plaintiff's case number of above complaint is 06923-2014 violating plaintiff's 4th, and 14th amendment, due process and any other amendments involved.

# EXHIBIT

# A

August 18, 2015

Sealed Upon Termination Of Criminal Action In Favor Of The Accused CPL160.50

--Court: Kings County Supreme Court Case Number: 06923-2014

October 02, 2014

Initial Report Of Indictment Number

October 21, 2014

Arraigned

- Burglary 2nd Degree: Illegal Entry- Dwelling  
PL 140.25 Sub 02 Class C Felony NCIC 2299
- Burglary-3rd Degree: Illegal Entry with Intent to Commit a Crime  
PL 140.20 Class D Felony NCIC 2299
- Petit Larceny  
PL 155.25 Class A Misdemeanor NCIC 2399
- Criminal Possession Stolen Property-5th Degree  
PL 165.40 Class A Misdemeanor NCIC 2804
- Criminal Trespass 2nd - Enter Or Remain Unlawfully In A Dwelling  
PL 140.15 Sub 01 Class A Misdemeanor NCIC 5707

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August 12, 2015

Acquitted By Jury

- Burglary 2nd Degree: Illegal Entry- Dwelling  
PL 140.25 Sub 02 Class C Felony NCIC 2299
- Criminal Possession Stolen Property-5th Degree  
PL 165.40 Class A Misdemeanor NCIC 2804

August 12, 2015

Dismissed

- Burglary-3rd Degree: Illegal Entry with Intent to Commit a Crime  
PL 140.20 Class D Felony NCIC 2299

-- Petit Larceny

PL 155.25

Class A Misdemeanor NCIC 2399

-- Criminal Trespass 2nd - Enter Or Remain Unlawfully In A Dwelling

PL 140.15 Sub 01 Class A Misdemeanor NCIC 5707

STOP  
Right  
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August 14, 2015

Sealed Upon Termination Of Criminal Action In Favor Of The Accused CPL160.50

JS 44 (Rev. 1/2013)

ORIGINAL

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Ricardo Gordon, #1411511489, Rikers Island OBCC 1600 Hazen Street,  
East Elmhurst, NY 11370

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Pro Se: See Above

**DEFENDANTS**

New York City; John Doe 1 Officer 83 Precinct; John Doe 2 Officer 83  
Precinct; ADA John Doe

County of Residence of First Listed Defendant \_\_\_\_\_  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault & Battery <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input checked="" type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:  
Civil Action Pursuant To 42 USC 1983

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_ RANDOM/RANDOM \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_ NONE \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

02/16/2017

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP 970 JUDGE AMD MAG. JUDGE RLM

EDNY Revision 1/2013

**CERTIFICATION OF ARBITRATION ELIGIBILITY**

Local Arbitration Rule 83.10 provides that with certain exceptions, actions seeking money damages only in an amount not in excess of \$150,000, exclusive of interest and costs, are eligible for compulsory arbitration. The amount of damages is presumed to be below the threshold amount unless a certification to the contrary is filed.

I, \_\_\_\_\_, counsel for \_\_\_\_\_, do hereby certify that the above captioned civil action is ineligible for compulsory arbitration for the following reason(s):

- ☐ monetary damages sought are in excess of \$150,000, exclusive of interest and costs,
- ☐ the complaint seeks injunctive relief,
- ☐ the matter is otherwise ineligible for the following reason

**DISCLOSURE STATEMENT - FEDERAL RULES CIVIL PROCEDURE 7.1**

Identify any parent corporation and any publicly held corporation that owns 10% or more of its stocks:

**RELATED CASE STATEMENT (Section VIII on the Front of this Form)**

Please list all cases that are arguably related pursuant to Division of Business Rule 50.3.1 in Section VIII on the front of this form. Rule 50.3.1 (a) provides that "A civil case is "related" to another civil case for purposes of this guideline when, because of the similarity of facts and legal issues or because the cases arise from the same transactions or events, a substantial saving of judicial resources is likely to result from assigning both cases to the same judge and magistrate judge." Rule 50.3.1 (b) provides that "A civil case shall not be deemed "related" to another civil case merely because the civil case: (A) involves identical legal issues, or (B) involves the same parties." Rule 50.3.1 (c) further provides that "Presumptively, and subject to the power of a judge to determine otherwise pursuant to paragraph (d), civil cases shall not be deemed to be "related" unless both cases are still pending before the court."

**NY-E DIVISION OF BUSINESS RULE 50.1(d)(2)**

- 1.) Is the civil action being filed in the Eastern District removed from a New York State Court located in Nassau or Suffolk County? NO
- 2.) If you answered "no" above:
- a) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in Nassau or Suffolk County? NO
- b) Did the events or omissions giving rise to the claim or claims, or a substantial part thereof, occur in the Eastern District? YES

If your answer to question 2 (b) is "No," does the defendant (or a majority of the defendants, if there is more than one) reside in Nassau or Suffolk County, or, in an interpleader action, does the claimant (or a majority of the claimants, if there is more than one) reside in Nassau or Suffolk County? \_\_\_\_\_

(Note: A corporation shall be considered a resident of the County in which it has the most significant contacts).

**BAR ADMISSION**

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court.

☐ Yes ☐ No

Are you currently the subject of any disciplinary action (s) in this or any other state or federal court?

☐ Yes (If yes, please explain) ☐ No

I certify the accuracy of all information provided above.

Signature: \_\_\_\_\_